IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA 1928

Crl.MC.No. 3895 of 2006

CRMP.4546/2006 of CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR
CRIME NO.1241/05 OF THRISSUR EAST POLICE STATION

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PETITIONER:

ABHILASH, S/O.DASAN, HOUSE NO.32/2536,
CHALIPURAYIL HOUSE, MANIKALTHAZHAM,
KOTAMPURAM P.O., KOZHIKKODE.

BY ADV. SRI.P.K.SAJEEV

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.SANTHOSH KUMAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.M.C.No. 3895 of 2006

ORDER

This Crl.M.C. is filed against the order of the Chief Judicial Magistrate, Thrissur dated 9.10.2006 in Crl.M.P.No.4546/06 in Crime No.1241/05 of Thrissur East Police Station. As per order dated 13.6.2006 in Crl.M.C.No.1044/06, this Court directed the vehicle involved in the said case, namely, Hyundai Santro Car bearing Reg.No.KL-05/S 3220 to be released to the petitioner on his depositing an amount of Rupees One lakh by way of security and executing bond for an amount of Rupees One lakh with two solvent sureties each for like sums to the satisfaction of the Magistrate and on conditions that the vehicle shall be produced before court as and when called for; that the vehicle will be maintained in a road worthy condition and shall be held subject to the final result of the case. It was also directed that the

Magistrate shall, before releasing the vehicle to the petitioner, get satisfied that the R.C. Book, the petitioner has in relation to the vehicle produced before court tallies, with its present engine number and chassis number and that the insurance also is in relation to the said vehicle and further that the petitioner shall report before the court that insurance is periodically renewed as and when the insurance expires.

2. It is seen from the order passed by the learned Magistrate, pursuant thereto, on 9.10.2006 on Crl.M.P.No. 4546/06 in Crime No.1241/05 of Thrissur East Police Station, that the engine number and the chassis number of the vehicle tally with the engine number and the chassis number stated in the R.C. Book and insurance certificate. All the same, a report has been filed by the C.I. of Police, Thrissur East Police Station before the Magistrate reporting that there is no tampering with the chassis number, though there is tampering

seen in the engine number, as reported by the Scientific Assistant and that the vehicle bearing Reg.No.KL-05/S 3220 is, in fact, a vehicle, which has met with an accident and there having been insurance as also loan from HDFC, the vehicle was taken over by the Bank treating the accident as having resulted in full loss of the vehicle and that the investigation could not reveal as to what happened to the said vehicle and who is the R.C. owner and that the case is, therefore, being put in the list of undetected cases. It is, in the above circumstances, that this Crl.M.C. has been filed by the petitioner seeking for release of the vehicle without insisting for deposit of cash security of Rupees One lakh as ordered by this Court.

3. Considering the entire circumstances of the case, I reduce the amount to be deposited by way of cash security to Rupees Fifty thousand only.

With the above modification in the order dated 13.6.2006 in Crl.M.C.No.1044/06, this Crl.M.C. is

allowed, modifying also the order of the learned Magistrate on Crl.M.P.No.4546/06.

2nd January, 2007 (K.P.Balachandran, Judge)

tkv